

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA
PLAINTIFF,
VS.
DENNIS JAMES GRAVES
DEFENDANT,

2:09-CR-502-KJD-PAL

MINUTES OF THE COURT

DATED: October 19, 2010

PRESENT:

THE HONORABLE **KENT J. DAWSON**, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: PEGGIE VANNOZZI COURT REPORTER: FELICIA ZABIN

PRESENT FOR PLAINTIFF: LUCAS FOLETTA, AUSA and ROB MACDONALD, AUSA

PRESENT FOR DEFENDANT: RICHARD BOULWARE, AFD and PAUL RIDDLE, AFD

JURY TRIAL DAY 1

Proceedings begin at 9:01 A.M. Defendant is present, in custody. FBI Special Agent Henry Schlumpf is present as case agent. Neil Williams and Karen Meyer assist Defense counsel.

Mr. Boulware asks the Court to review, *in camera*, the entire report on the conduct of the officer mentioned in the Government's Motion in Limine. The Court will review the entire report prior to the witness's testimony.

53 prospective jurors enter at 9:15 a.m. They are sworn. Voir dire begins. Based upon the answers given to the Court during voir dire, The Court assigns one day of community service to prospective juror pool 300371874, pool number 04-0047. The jury is passed for cause. Additional voir dire is conducted. The jury is passed.

The prospective jurors exit the courtroom. Proceedings recess from 10:35 am to 11:26 a.m. During the recess, counsel exercise peremptory challenges.

Court reconvenes at 11:26 a.m. 14 jurors are sworn to try the matter. The remaining prospective jurors are thanked and excused.

The Court admonishes the jury.

Mr. Foletta and Mr. Riddle present opening statements.

Proceedings recess from 11:52 a.m. to 1:06 p.m.

The jury is not present. Mr. MacDonald asks that Defense counsel indicate whether Defendant is using an alibi defense and any information that would corroborate the alibi defense. Mr. Boulware advises that they are not asserting an alibi defense. The Court reserves ruling on whether Defense counsel's opening statement asserted an alibi defense.

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The jury enters at 1:12 p.m.

Erika Lewis is sworn to testify as a witness for the Government. Mr. Foletta examines the witness. Government's exhibits 6, 11, 7, 8, 30, 1, 2, 3, 4, and 5 are marked and admitted. Mr. Riddle examines the witness. Defendant's exhibit 508 is marked. Mr. Foletta examines the witness. The witness is excused.

Joycelin Valdivia is sworn to testify as a witness for the Government. Mr. MacDonald and Mr. Riddle examine the witness. The witness is excused.

Ryan Richmond is sworn to testify as a witness for the Government. Mr. MacDonald examines the witness. Government's exhibits 12, 14, and 15 are marked and admitted. Mr. Boulware examines the witness. Defendant's exhibit 517 is marked and admitted. The witness is excused.

Robert Charles Stehn is sworn to testify as a witness for the Government. Mr. Foletta examines the witness. Government's exhibit 32 is marked and admitted. Mr. Riddle examines the witness. The witness is excused.

Proceedings recess from 2:45 p.m. to 3:05 p.m.

The jury is not present. The Government moves for admission of exhibits 13, 17, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 27, 29 and 31. Defense does not object. The exhibits noted above are admitted.

Mr. MacDonald asks the Court to issue its ruling whether the Defendant is using the alibi defense and whether the Government can learn where exactly Defendant was at the time of the commission of the crime. The Court notes that Defense counsel has indicated that Defendant will not be presenting evidence. The Court will not make a ruling on the issue nor will it call attention to the issue. The Government is to act as it deems appropriate.

The jury enters at 3:10 p.m.

Government's exhibits 12, 14 and 15 are published to the jury at the Court's display unit. (The jury monitors were not on when the exhibits were previously published. The projector was on, showing the exhibits on the large screen.)

Steve Candelas is sworn to testify as a witness for the Government. Mr. Foletta and Mr. Boulware examine the witness. Defendant's exhibits 543 and 520 are marked and admitted. Defendant's exhibits 544 and 545 are marked. Mr. Foletta examines the witness. The witness is excused.

IT IS THE ORDER OF THE COURT that the jury trial is continued to Wednesday, October 20, 2010 at 9:30 AM. The jury exits at 4:20 p.m.

The Government will not call Officer Martin, so Government's Motion in Limine (#50) is found moot.

Proceedings recess at 4:23 p.m.

LANCE S. WILSON, CLERK
U.S. DISTRICT COURT

/s/ _____
DEPUTY CLERK